LIBRARY
SUPREME COURT, U. S.

FILED
JUN 19 1968
JOHN F. DAVIS, CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1968

No. [redacted] 68

SAM L. McDONALD and ANDREW BYRD, On behalf of themselves and all other persons similarly situated,

Plaintiffs-Appellants,

vs.

BOARD OF ELECTION COMMISSIONERS OF CHICAGO, SIDNEY T. HOLZMAN, Chairman, MARIE H. SUTHERS, Commissioner, and FRANCIS P. CANARY, Commissioner,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

BRIEF OF APPELLANTS

STANLEY A. BASS
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

Attorney for Appellants

Of Counsel:

MARSHALL PATNER
Appellate and Test Case Division
Legal Aid Bureau
123 West Madison Street
Chicago, Illinois

INDEX

SUBJECT INDEX

	Page
Opinion Below	1
Jurisdiction	2
Constitutional and Statutory Provisions Involved	2
Questions Presented	2
Statement	3
ARGUMENT:	
I. The Equal Protection Clause of the Fourteenth Amendment is violated by Illinois statutes which grant an absentee ballot to a person who is unable to be present at the polls on election day because of either absence from the county, physical incapacity for medical reasons or observance of a religious holiday, but which deny an absentee ballot to a registered and qualified voter who is actually unable to be present at the polls on election day because of judicial commitment to jail in the county of his residence, while awaiting trial on an alleged criminal charge	6
II. Refusal by one branch of government, an election board, to grant an absentee ballot to a registered and qualified voter who is actually unable to be present at the polls on election day because of commitment to jail by another branch of government, the judiciary, due to financial inability to provide monetary bail, while awaiting preliminary hearing or trial, effectively constitutes deprivation of the right to vote based upon poverty, in violation of the Equal Protection Clause	12
Conclusion	13

AUTHORITIES CITED

Page

CASES:

Carrington v. *Rash*, 380 U.S. 89 (1965) 8, 10

Gray v. *Sanders*, 372 U.S. 368 (1963) 8

Green v. *Board of Elections*, 380 F. 2d 445 (2d Cir. 1967), cert. denied, 389 U.S. 1048 (1968) .. 10

Harper v. *Virginia Board of Elections*, 383 U.S. 663 (1966) 3, 7, 8, 13

McDonald v. *Board of Election Commissioners*, 265 F. Supp. 816 (N.D. Ill. 1967) 5, 6, 7, 8, 10, 12

McLaughlin v. *Florida*, 379 U.S. 184 (1964) 8

Norman Bonds v. *Board of Election Commissioners*, No. 66 C 2012 (N. D. Ill. Nov. 4, 1966) (unreported) 12

Otsuka v. *Hite*, 64 Cal. 2d 596, 51 Cal. Rptr. 284, 414 P. 2d 412 (1966) 10

People v. *DeStefano*, 64 Ill. App. 2d 389, 212 N.E. 2d 357, cert. denied, 385 U.S. 821 (1966) 10

Reynolds v. *Sims*, 377 U.S. 533 (1964) 8

Yick Wo v. *Hopkins*, 118 U.S. 356 (1886) 8

CONSITITUTIONAL PROVISIONS:

Equal Protection Clause, Fourteenth Amendment, United States Constitution 2, 4, 6, 7, 12, 13

STATUTORY PROVISIONS:

Chapter 46, Section 3-5, Ill. Rev. Stat. 10
Chapter 46, Section 19-1, Ill. Rev. Stat. 2, 5, 6
Chapter 46, Section 19-2, Ill. Rev. Stat. 2, 5, 6
Chapter 46, Section 19-3, Ill. Rev. Stat. 2, 5, 6

TEXT:

Foote, *The Coming Constitutional Crisis in Bail: II*, 113 U. Pa. L. Rev. 1125 (1965) 11

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967

No. 1372

SAM L. McDONALD, *et al.*,

Appellants,

vs.

BOARD OF ELECTION COMMISSIONERS OF CHICAGO, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

BRIEF FOR THE APPELLANTS

Opinion Below

The opinion of the District Court (A. 29-35) is reported at 277 F. Supp. 14.

Jurisdiction

The jurisdiction of the District Court in this case was invoked under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, 42 United States Code Section 1983 and 28 United States Code Sections 1343(3), 2201 and 2202. The judgment of the District Court was entered on December 11, 1967, and notice of appeal was filed in that court on December 21, 1967 (A. 28-37). The appellant's jurisdictional statement was filed on February 13, 1968, and this Court entered an order on April 29, 1968 postponing further consideration of the question of jurisdiction to the hearing of the case on the merits (A. 38) (20 L. Ed. 2d 300). The jurisdiction of the Supreme Court to review the decision of the District Court by direct appeal is conferred by 28 United States Code Sections 1253 and 2101(b).

Constitutional and Statutory Provisions Involved

The Fourteenth Amendment to the United States Constitution provides in relevant part: " . . . nor shall any State . . . deny to any person within its jurisdiction the equal protection of the Laws."

The validity of the following Illinois statutes is involved: Chapter 46, Sections 19-1, 19-2, and 19-3, Ill. Rev. Stat., pp. 1988-90. Their pertinent text is set forth in the Appendix, *infra*, pp. 15-21.

Questions Presented

I. Is Equal Protection of the Laws met by Illinois statutes which grant an absentee ballot to a person who is un-

able to be present at the polls on election day because of either absence from the county, physical incapacity for medical reasons or observance of a religious holiday, but which deny an absentee ballot to a registered and qualified voter who is actually unable to be present at the polls on election day because of judicial commitment to jail in the county of his residence, while awaiting preliminary hearing or trial on an alleged criminal charge?

II. Does refusal by one branch of government, an election board, to grant an absentee ballot to a registered and qualified voter who is actually unable to be present at the polls on election day because of commitment to jail by another branch of government, the judiciary, due to financial inability to provide monetary bail, while awaiting preliminary hearing or trial, effectively constitute deprivation of the right to vote based upon poverty, which this Court held invalid in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966)?

Statement

This case is before the Court on appeal from an order of dismissal entered by a three-judge court convened pursuant to 28 United States Code Section 2284. The appellants brought this class action for declaratory judgment and injunction, on behalf of themselves and all unsentenced inmates of the Cook County Jail, Chicago, Illinois, awaiting trial, who are registered and qualified to vote in Chicago, Illinois, and who are actually incapable of being present at the polls of their election precincts on election day, because of their temporary commitment to jail in the county of their residences, either without bail or for failure to post bail in a designated amount. Plaintiffs sought a de-

claratory judgment holding invalid, under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Illinois statutes which grant an absentee ballot to a person who is unable to be present at the polls on election day because of either absence from the county, physical incapacity for medical reasons or observance of a religious holiday, but which deny an absentee ballot to a member of plaintiffs' class. Alternatively, plaintiffs sought a judgment declaring that plaintiffs are entitled, under Illinois law, to absentee ballots upon timely request. A permanent injunction was sought to restrain defendants, the Board of Election Commissioners of Chicago and its members, from refusing to grant timely applications for absentee ballots made by plaintiffs and other duly qualified and registered voters in Chicago, Illinois, similarly situated.

The facts in this case are not in dispute. On March 29, 1967, the two named plaintiffs, Sam L. McDonald and Andrew Byrd, registered and qualified to vote, and acting through their attorney, Stanley A. Bass, timely applied to defendants for absentee ballots on the ground that each plaintiff would be physically incapable of being present at the polls of his election precinct on election day, April 4, 1967, because of incarceration in Cook County Jail awaiting trial. McDonald had been committed to jail without bail for the alleged offense of murder, and Byrd had been committed to jail for failure to provide bail in the amount of $5,000, on a robbery charge. Defendants, acting in accordance with the Illinois statutes applicable to absentee ballots, denied plaintiffs' applications for absentee ballots for the stated reason that neither plaintiff is a person who is unable to be present at the polls of his election precinct be-

cause of "physical incapacity" within the meaning of Chapter 46, Sections 19-1, 19-2 and 19-3, Ill. Rev. Stat. The complaint in this action for declaratory judgment and injunction was filed on March 29, 1967 (A. 1-12). On March 30, 1967, on the basis of *McDonald* v. *Board of Election Commissioners of Chicago,* 265 F. Supp. 816 (N.D. Ill. 1967), the single District Judge, before a three-judge court was convened, ordered defendants to issue the ballots requested so that they could be cast in the April 4 election (A. 13). After the three-judge court was convened, both parties filed motions for summary judgment (A. 20-27). On December 11, 1967, the three-judge court entered an order denying plaintiffs' motion for summary judgment, granting defendants' motion for summary judgment, and dismissing the complaint (A. 28). From this order, plaintiffs appeal.

ARGUMENT

I.

The Equal Protection Clause of the Fourteenth Amendment Is Violated by Illinois Statutes Which Grant an Absentee Ballot to a Person Who Is Unable to Be Present at the Polls on Election Day Because of Either Absence From the County, Physical Incapacity for Medical Reasons or Observance of a Religious Holiday, but Which Deny an Absentee Ballot to a Registered and Qualified Voter Who Is Actually Unable to Be Present at the Polls on Election Day Because of Judicial Commitment to Jail in the County of His Residence, While Awaiting Trial on an Alleged Criminal Charge.

Illinois, by statute, grants an absentee ballot to a person who will be unable to be present at the polls on election day because of either absence from the county, physical incapacity for medical reasons or observance of a religious holiday. Chapter 46, Sections 19-1, 19-2 and 19-3, Ill. Rev. Stat. By implication, Illinois denies an absentee ballot to a registered and qualified voter who is actually unable to be present at the polls on election day because of judicial commitment to jail in the county of his residence, either without bail or for failure to post monetary bail, while awaiting preliminary hearing or trial on an alleged criminal charge.

In *McDonald* v. *Board of Election Commissioners*, 265 F. Supp. 816 (N.D. Ill. 1967) (hereinafter referred to as "McDonald I") the Court held that Equal Protection of the Laws forbids the denial of a timely application for an absentee ballot to a registered and qualified voter who was

incarcerated in the county of his residence on election day, while awaiting trial on an alleged criminal charge. The District Judge there relied upon this Court's decision in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), wherein it was said:

> [O]nce the franchise is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment. *Id.*, at 665.

Judge Lynch, in *McDonald I*, observed that if petitioner were incarcerated in some county other than the one in which he resides, he would be entitled to an absentee ballot as a person unable to be present at the polls because of absence from the county. 265 F. Supp. at 818-19.[1]

Judge Lynch further noted,

> that petitioner McDonald, a citizen, a qualified voter, is no more nor no less so whether his physical incapacity to be present at the polls stems from organic illness or from physical confinement on charges of which he is presumed innocent until proven otherwise. *Id.* at 818.

> It is, of course, the right of the State of Illinois to impose reasonable restrictions on the availability of the ballot. The absence of statutory provisions to accommodate persons unable to be present at the polls on election day perhaps would pose no constitutional prob-

[1] This fact belies any possible suggestion that denial of jail inmate voting by absentee ballot can be justified by considerations of institutional security.

lem. But once the right to vote by absentee ballot has been provided, there must be no arbitrary or discriminatory denial. *Id.* at 817.

In *Yick Wo* v. *Hopkins*, 118 U.S. 356, 370 (1886), this Court referred to "the political franchise of voting" as a "fundamental political right, because preservative of all rights." In *Reynolds* v. *Sims*, 377 U.S. 533, 561-62 (1964), this Court said:

> Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.

The right to vote is "close to the core of our constitutional system", *Carrington* v. *Rash*, 380 U.S. 89, 96 (1965), and "vital to the maintenance of democratic institutions". *Id.* at 94. It is "precious" and "fundamental". *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966). "[A]ny restrictions on that right strike at the heart of representative government". *Reynolds* v. *Sims*, *supra*, at 555. Neither homesite nor occupation "affords a permissible basis for distinguishing between qualified voters within the State." *Gray* v. *Sanders*, 372 U.S. 368, 380 (1963).

A classification drawn in a statute must be reasonable in light of its purpose. *McLaughlin* v. *Florida*, 379 U.S. 184, 191 (1964). Careful analysis reveals that the Illinois statutory classification between voters who are medically incapacitated, or are out of the county, or are religiously

incapacitated on election day, on the one hand, and voters who are judicially incapacitated, by reason of commitment to jail, while awaiting trial, in the county of their residences, on the other, is arbitrary and an invidious discrimination, and bears no rational or reasonable relation to the salutary purpose of granting absentee ballots to all qualified registered voters who are actually incapable of being present at the polls on election day.

The Board of Election Commissioners, in its motion to affirm, points to the fact that other possibly meritorious classes of persons are not provided absentee ballots in Illinois. However, plaintiffs are not in a position similar to such persons as mothers of small children unable to afford a babysitter on election day, or breadwinners unable to afford to take time off from their employment without pay, in order to go to the polls. For the abovementioned groups, it is merely the general conditions of society which make it inconvenient for them to vote in person. In contrast, a jail inmate is detained by the specific act of a state official, a judge, who orders his incarceration in default of bail. Moreover, a prisoner, like a soldier stationed far from home without leave, would be forced to defy and break the law—escape jail or go A.W.O.L.—in order to attend the polls. These are significant differences. The mother or breadwinner is not forced to break the law in order to vote. Nor is the mother or breadwinner restrained by state action from leaving the house or job.

It would appear that plaintiffs are in substantially similar circumstances as members of the classes to whom the privilege of voting by absentee ballot has been extended. Citizens incarcerated in the county of their residences are just as actually incapable of going to the polls, if not more

so, as persons who are physically disabled by illness or injury, or persons who will be out of the county (either in or out of jail), or persons with religious scruples.

It would appear that once a man is convicted, he may be lawfully disenfranchised. Chapter 46, Section 3-5, Ill. Rev. Stat.; *People* v. *DeStefano*, 64 Ill. App. 2d 389, 212 N.E. 2d 357, cert. denied, 385 U.S. 821 (1966); *Green* v. *Board of Elections*, 380 F. 2d 445 (2d Cir. 1967), cert. denied, 389 U.S. 1048 (1968); *Otsuka* v. *Hite*, 64 Cal. 2d 596, 51 Cal. Rptr. 284, 414 P. 2d 412 (1966).

However, as Judge Lynch observed:

> There obviously was no intent on the part of the legislature of the State of Illinois to disenfranchise persons in the position of the petitioner. Chapter 46, Section 3-5 of the Illinois Revised Statutes provides that a person loses the right to vote when he is *convicted and sentenced*. This petitioner has neither been convicted nor sentenced, and indeed he is presumed to be innocent of the offense with which he is charged. *McDonald I*, *supra*, at 818.

Judge Lynch was not able to ascertain any legitimate compelling state interest which might be served by denying plaintiffs the right to vote by absentee ballot; nor is one readily apparent. "States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State." *Carrington* v. *Rash*, 380 U.S. at 96. Indeed, it would actually appear to be far less burdensome to the State to provide absentee ballots for qualified prisoners than to attempt to utilize such devices as writs of habeas corpus ad votandum directing deputy sheriffs to accompany jail inmates to the polls of their election

precincts on election day. The interests of the State would thus appear to be served, rather than frustrated, by the granting of absentee ballots to registered and qualified voters who are confined in the county of their residences while awaiting preliminary hearing or trial on alleged criminal charges.

It may be assumed, arguendo, that the necessity of assuring the presence of accused persons at trial may justify some pre-trial detention of defendants for failure to provide bail or for lack of bail. It does not follow, however, that a citizen may be stripped of all fundamental human rights while confined to answer to charges of which he is presumed to be innocent.

Not every consequence of pre-trial detention is constitutionally permissible. Those restraints which are not an essential part of the management of a prison, and which are not reasonably related to the only legitimate purpose of detention—security, can not be justified, particularly when they infringe upon fundamental freedoms. See, generally, Foote, *The Coming Constitutional Crisis in Bail: II*, 113 U. Pa. L. Rev. 1125, 1144-46 (1965). No one could seriously contend that inmate voting by absentee ballot would jeopardize the security of a prison; certainly there is nothing in the record of this case or in the two previous cases involving this same issue to suggest that denial of absentee ballots to incarcerated qualified voters awaiting trial is essential to the proper management of the Cook County Jail or of any other penal institution. If anything, inmate morale improved when absentee ballots were cast at the Cook County Jail, pursuant to orders of the United States District Court for the Northern District of Illinois,

Eastern Division, in November, 1966,[2] February, 1967,[3] and March, 1967.[4]

It seems clear that denial of an absentee ballot to a qualified voter incarcerated in the county of his residence has no rational relationship to either the proper maintenance of security and order within a penal institution, or to any other legitimate state interest. The Court below erred in upholding, as reasonable, the legislative classification which deprives plaintiffs of absentee ballots.

II.

Refusal by One Branch of Government, an Election Board, to Grant an Absentee Ballot to a Registered and Qualified Voter Who Is Actually Unable to Be Present at the Polls on Election Day Because of Commitment to Jail by Another Branch of Government, the Judiciary, Due to Financial Inability to Provide Monetary Bail, While Awaiting Preliminary Hearing or Trial, Effectively Constitutes Deprivation of the Right to Vote Based Upon Poverty, in Violation of the Equal Protection Clause.

An additional argument for absentee ballots exists for those prisoners who are incarcerated due to their financial inability to post 10% cash of monetary bail. The judicial act of commitment for failure to provide non-excessive bail, standing alone, might not present any constitutional problem, so long as absentee voting is available. But the addi-

---

[2] *Norman Bonds* v. *Board of Election Commissioners, et al.*, No. 66 C 2012 (N.D. Ill. Nov. 4, 1967) (unreported).

[3] *McDonald I.*

[4] A. 13.

tional act of a state agency, an Election Board, in denying a timely request for an absentee ballot, taken together with the judicial commitment order, constitutes joint state action, which operates as effectively as a poll tax to disenfranchise poor voters, which this Court condemned, in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), as violative of the Equal Protection Clause of the Fourteenth Amendment.

It is not here suggested that courts are required to redress all inequalities in society. But where, as here, official state action prevents a voter from attending the polls, and further denies his timely request for an absentee ballot, for reasons which cannot bear scrutiny under the Equal Protection Clause, then judicial redress is justified.

Conclusion

For the foregoing reasons, it is respectfully submitted that the judgment of the court below should be reversed.

Respectfully submitted,

STANLEY A. BASS
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157
Attorney for Appellants

Of Counsel:

MARSHALL PATNER
Appellate and Test Case Division
Legal Aid Bureau
123 West Madison Street
Chicago, Illinois

APPENDIX

Chapter 46, Section 19-1, Ill. Rev. Stat., provides:

> Any qualified elector of the State of Illinois (other than one to whom an absentee ballot has been delivered or mailed pursuant to Article 20 of this Act) having duly registered where such registration is required who expects to be absent from the county in which he is a qualified elector or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any Congressional, State, District, County, Town, City, Village, Precinct or Judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter in this Article provided.

Chapter 46, Section 19-2, Ill. Rev. Stat., provides:

> Any elector as defined in the foregoing section expecting to be absent from the county of his residence or any such elector who because of physical incapacity or the tenets of his religion in the observance of a religious holiday will be unable to be present at the polls on the day of such election may by mail, not more than 30 nor less than 5 days prior to the date of such election, or by personal delivery not more than 30 nor less than 3 days, prior to the date of such election, make application to the county clerk or, where existing, to the Board of Election Commissioners, or other officer or officers charged with the duty of furnishing ballots for such election in his voting precinct, for an official ballot for such precinct to be voted at such election provided, any such elector who will be absent because of physical incapacity shall submit with his application the certifi-

cate of his duly licensed attending physician or a Christian Science practitioner living and residing in the State of Illinois, who is listed in the Christian Science Journal to the fact that such elector is so physically incapacitated.

Chapter 46, Section 19-3, Ill. Rev. Stat., provides:

Application for such ballot shall be made on blanks to be furnished by the county clerk or the Board of Election Commissioners or other officer or officers charged with the duty of furnishing ballots as aforesaid, as the case may be, and shall be substantially in the following form:

Affidavit and Application for Ballot by Elector Who Expects to Be Absent From County

To be voted at the ..... election in the county of ..... and State of Illinois, in the ..... precinct of the (1)* township of ..... (2)* City of .... or (3)* ..... ward in the City of ..... .

State of .....)
) ss.
County of .....)

I, ..., do solemnly swear that I am a resident of the ..... precinct of the (1)* township of .... (2)* City of ..... or (3)* .....ward in the city of ..... residing at ..... in such city or town in the county of ..... and State of Illinois; that I have lived at such address for ..... months last past; that I am lawfully entitled to vote in such precinct at a ..... election to be held therein on .....; that I expect to be absent from the county of my residence on the date of holding such election, and that I will have no opportunity to vote in person on that day.

* fill in either (1), (2) or (3).

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the county of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same in sufficient time for such official to deliver such ballot or ballots to the polls on the date of the election.

.....

Post office address to which ballot is mailed:

.....

Subscribed and sworn to by ..... who is personally known to me, before me this ..... day of .... A.D. ..... .

.....

Official Capacity

(Penalty clause set out in full)

Affidavit and Application for Ballot by Physically Incapacitated Elector

To be voted at the ..... election in the County of ..... and State of Illinois, in the ..... precinct of the (1)* township of ..... (2)* City of .... or (3)* ..... ward in the City of ..... .

State of .....)
) ss.
County of .....)

I, ... do solemnly swear that I am affiliated with the ..... party (to be used in primary elections) and that I am a resident of the ..... precinct of the (1)* township of ..... (2)* City of .... or (3)* ..... ward in the city of ..... residing at ..... in such city or town in the county of ..... and State of Illinois; that I have lived at

---

* fill in either (1), (2) or (3).

such address for ..... months last past; that I am lawfully entitled to vote in such precinct at a ..... election to be held therein on .....; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election for the following reasons:

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so physically incapacitated, and I agree that I shall return such ballot or ballots to the official issuing the same in sufficient time for such official to deliver such ballot or ballots to the proper polling place prior to the closing of the polls on the date of election.

.....

Post office address to which ballot is mailed:

.....

Subscribed and sworn to by ..... who is personally known to me, this ..... day of ..... A.D. .....

.....

Official Capacity

(Penalty clause set out in full)

Affidavit of Attending Physician

State of .....)
) ss.
County of .....)

I, ... do solemnly swear that I am a physician, duly licensed to practice medicine in the State of Illinois; that I have examined .....; and that I verily believe that he will be physically incapable of being present at the polls on the ..... day of ..... A.D.

..... for the following reasons: .....

.....

.....

(Signature)

.....

(Date licensed)

Subscribed and sworn to by ....., who is personally known to me, before me this ..... day of ...., A.D. ..... .

.....

Official Capacity

Affidavit of Attending Christian Science Practitioner

State of .....)
) ss.
County of .....)

I, ..., do solemnly swear that I am an authorized Christian Science practitioner, listed in the Christian Science Journal, living and residing in the State of Illinois; that I am treating .....; and, that I verily believe that he will be physically incapable of being present at the polls on the ..... day of ....., A.D. 19.... for the following reasons:

..... C.S.

Authorized Christian Science Practitioner

Subscribed and sworn to before me by ..... who is personally known to me, this ..... day of .... A.D. ..... .

.....

Official Capacity

(Penalty clause set out in full)

Affidavit and Application for Ballot by Elector Observing Religious Holiday

To be voted at the ..... election in the county of ..... State of Illinois, in the ..... precinct (1)* township of ..... (2)* City of ..... or (3)* ..... ward in the City of .....

State of .....)
) ss.
County of .....)

I, ... do solemnly swear that I am affiliated with the ..... party (to be used in primary elections) and that I am a resident of the ..... precinct of the (1)* township of ..... (2)* City of .... or (3)* ..... ward in the city of ..... residing at ..... in such city or town in the county of ..... and State of Illinois; that I have lived at such address for ..... months past, that I am lawfully entitled to vote in such precinct at a ..... election to be held therein on .....; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so unable to be present at the polls of such precinct on the date of the election because of the tenets of my religion in the observance of a religious holiday, and I agree that I shall return the ballot or ballots to the official issuing the same in sufficient time for such official to deliver the ballot or ballots to the proper polling place prior to the closing of the polls on the date of the election.

.....

Post office address to which ballot is mailed:

.....

* fill in either (1), (2) or (3).

Subscribed and sworn to by ..... who is personally known to me, this ..... day of ..... A.D. .....

.....

Official Capacity

(Penalty clause set out in full)

Provided, that if application be made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.